Dep/ref RAH 807

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application
Inventors: Stephanie M. Cortese
Appln. No.: 09/843,588
Confirm. No.: 8737
Filed: April 26, 2001
Title: HEMOSTATIC COMPOSITIONS OF POLYACIDS AND POLYALKYLENE OXIDES AND METHODS FOR THEIR USE

Art Unit: 1621
Examiner: Peter G. OSullivan

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed June 22, 2005.

D. Benjamin Borson

D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: June 22, 2005

REQUEST FOR REFUND OF EXCESS FEES PAID UNDER 37 C.F.R. §1.26

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.26(a), Applicant requests refund of a fee paid in excess of that required with respect to the above-identified patent application.

✓ A fee of $1,020.00 was incorrectly charged for a Petition for Extension of Time (3 month extension) as evidenced by the attached:

____ A copy of the returned check; or
✓ A copy of a deposit account charge statement.

Applicant respectfully requests a refund of $510.00 for the excess fee paid.

✓ Pursuant to 37 C.F. R. § 1.26(b) this request for refund is being submitted within two years from the date of payment of the fee paid in excess identified above.

Attorney Docket No.: FZIO-06605US1
dbb/fzio/6605us1/6605us1.petition.for.refund.wpd

STATEMENT

1. On March 22, 2005, Applicants' attorneys filed a Response to Office Action with a 3 month Petition for Extension of Time. In the Petition we authorized the Patent Office to charge the petition fee of $510.00 (small entity fee) to Deposit Account No. 06-1325. A copy of the Office Action Response, Petition for Extension of Time and Facsimile Auto-Reply Transmittal/Return Receipt Confirmation are enclosed for your reference.

2. On March 29, 2005, the Patent Office charged Deposit Account No. 06-1325 $1,020.00 (large entity fee) for the Petition for Extension of Time (see attachment). As such, it appears that the Patent Office overcharged by $510.00.

4. Because the Applicants' entity is small, Applicants' attorneys respectfully request that the correct fee is $510.00.

5. Applicants' attorneys respectfully request a refund of $510.00 for Petition for Extension of Time.

Please credit the refund to our Deposit Account No. 06-1325. A **duplicate** copy of this document is enclosed.

Respectfully submitted,

Date: June 22, 2005

By: D. Benjamin Borson

D. Benjamin Borson, Ph.D.
Reg. No. 42,349

Customer No.: 23910
FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

Auto-Reply Facsimile Transmission

TO: Fax Sender at 415 362 2928

Fax Information
Date Received: 3/22/2005 3:46:35 PM [Eastern Standard Time]
Total Pages: 16 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received Cover Page ========>

03/22/2005 12:40 FAX 415 362 2928 FLIESLER MEYER LLP 001

FLIESLER MEYER LLP

INTELLECTUAL PROPERTY LAW

FOUR EMBARCADERO CENTER • FOURTH FLOOR
SAN FRANCISCO • CALIFORNIA 94111-4156
TELEPHONE 415.362.3800
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TO: Commissioner for Patents; Art Unit: 1621; Examiner Peter O'Sullivan

FAX NO.: (703) 872-9306

FROM: D. Benjamin Borson, Ph.D.

RE: Application No: 09/843,588

DATE: March 22, 2005 Total Pages : 16

Original will follow by mail:No_

If you do not receive all of the pages, please call Ben Borson at 415.362.3800.

MESSAGE (if any):
- Reply Transmittal Letter
- Reply to Office Action Mailed December 14, 2004.
- Petition for Extension of Time (3 months)
- Certificate of Facsimile Transmission

Fliesler Meyer LLP
File: FZIO-06605US1
Action Item: status
Date Due: July 22, 2005
Critical Date: July 22, 2005
Attorney Path: SAM/DBB
Docketed By: jem
Verified by:

FLIESLER MEYER LLP

INTELLECTUAL PROPERTY LAW

FOUR EMBARCADERO CENTER • FOURTH FLOOR
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INTERNET WWW.FDML.COM

TO: Commissioner for Patents: Art Unit: 1621; Examiner Peter O'Sullivan

FAX NO.: (703) 872-9306

FROM: D. Benjamin Borson, Ph.D.

RE: Application No: 09/843,588

DATE: March 22, 2005 Total Pages : 16

Original will follow by mail:No_

If you do not receive all of the pages, please call Ben Borson at 415.362.3800.

MESSAGE (if any):

* Reply Transmittal Letter
* Reply to Office Action Mailed December 14, 2004.
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* Certificate of Facsimile Transmission

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application		PATENT APPLICATION
Inventor(s):	Cortese, et al.	
Application No.:	09/843,588	Art Unit: 1621
Confirm. No.:	8737	Examiner: Peter G. O'Sullivan
Filed:	April 26, 2001	
Title:	HEMOSTATIC COMPOSITIONS OF POLYACIDS AND POLYALKYLENE OXIDES AND METHODS FOR THEIR USE	**Customer No. 23910**

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Examining Group 1621 Facsimile No. (703) 872-9306, on March 22, 2005. Total number of pages transmitted 16.

D. Benjamin Borson (Attorney Signature)

D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: March 22, 2005

REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

X A Reply under 37 C.F.R. §1.111 to the Office Action dated December 14, 2004.
X A Petition for an Extension of Time under 37 C.F.R. §1.136.
X Applicant(s) qualify for small entity status under 37 C.F.R. §1.27.
X A fee for extension of time for response under 37 C.F.R. §1.136 filed within 3 month(s) after the original time for response of $510 is due.
X Please charge Deposit Account No. 06-1325 in the amount of $510.
X The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: March 22, 2005

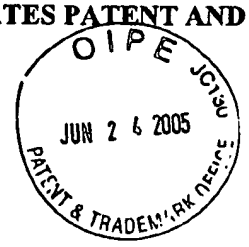
By: D. Benjamin Borson
D. Benjamin Borson, Ph.D.
Reg. No. 42,349

Customer No. 23910
FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

Attorney Docket No.: FZIO 6605 US1
dbb/FZIO/6605us1.014.Transmittal.wpd

201.001:010204
03/22/05-11:32

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application		PATENT APPLICATION
Inventor(s):	Cortese, et al.	
Application No.:	09/843,588	Art Unit: 1621
Confirm. No.:	8737	Examiner: Peter G. O'Sullivan
Filed:	April 26, 2001	
Title:	HEMOSTATIC COMPOSITIONS OF POLYACIDS AND POLYALKYLENE OXIDES AND METHODS FOR THEIR USE	**Customer No. 23910**

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Examining Group 1621 Facsimile No. (703) 872-9306, on March 22, 2005. Total number of pages transmitted 16.

D. Benjamin Borson (Attorney Signature)

D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: March 22, 2005

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated December 14, 2004, a shortened period for reply was set to expire on January 14, 2005.

Pursuant to 37 C.F.R. §1.136(a), Applicant(s) hereby petition(s) the Commissioner for an extension of time for replying to the Office Action up to and including March 22, 2005.

__X__ Applicant(s) hereby claim small entity status under 37 C.F.R. § 1.27.

Attorney Docket No.: FZIO 6605 US1
dbb/FZIO/6605us1.015.Petition Ext. Time.wpd

203.001:010204

The amount of the petition fee set by 37 C.F.R. §1.17 is determined as follows:

	Fee (Large Entity/Small Entity)	Extended Month
_____	$ 120.00/$ 60.00	First
_____	$ 450.00/$225.00	Second
X	$1,020.00/$510.00	Third
_____	$1,590.00/$795.00	Fourth
_____	$2,160.00/$1,080.00	Fifth

TOTAL PETITION FEE $ 510

The TOTAL PETITION FEE is included with the payment of other papers filed together with this petition.

X A reply to the Office Action is filed herewith.
X "Small Entity" status for this application has previously been established.
X Other: Reply Transmittal Letter, Certificate of Facsimile Transmission.

The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: March 22, 2005

By: _____
D. Benjamin Borson, Ph.D.
Reg. No. 42,349

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FLIESLER MEYER LLP
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San Francisco, California 94111-4156
Telephone: (415) 362-3800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	
Inventor(s):	Cortese, et al.
Application No.:	09/843,588
Confirm. No.:	8737
Filed:	April 26, 2001
Title:	HEMOSTATIC COMPOSITIONS OF POLYACIDS AND POLYALKYLENE OXIDES AND METHODS FOR THEIR USE

PATENT APPLICATION

Art Unit: 1621
Examiner: Peter G. O'Sullivan

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Examining Group 1621 Facsimile No. (703) 872-9306, on March 22, 2005. Total number of pages transmitted 16.

D. Benjamin Borson (Attorney Signature)
D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: March 22, 2005

REPLY TO OFFICE ACTION

Commissioner for Patents
Washington, DC 20231

Sir:

This REPLY is in response to an Office Action mailed December 14, 2004. The Examiner has issued an election of species requirement.

Amendment

Please amend the application as follows:

In the Claims:

1. (Original) A composition comprising an association complex of a polyacid (PA) and a polyalkylene oxide (PO), which is hemostatic and possesses at least one additional property selected from the group consisting of antiadhesion, bioadhesiveness, antithrombogenicity and bioresorbability, and wherein the pH of said composition is below about 7.5.

2. (Original) The composition of claim 1, wherein said polyacid is selected from the group consisting of a carboxypolysaccharide, polyacrylic acid, polyamino acid, polylactic acid, polyglycolic acid, polymethacrylic acid, polyterephthalic acid, polyhydroxybutyric acid, polyphosphoric acid, polystyrenesulfonic acid, and copolymers of said polyacids.

3. (Original) The composition of claim 1, wherein the polyacid is a carboxypolysaccharide selected from the group consisting of carboxymethyl cellulose (CMC), carboxyethyl cellulose, chitin, carboxymethyl chitin, hyaluronic acid, alginate, propylene glycol alginate, pectin, carboxymethyl dextran, carboxymethyl chitosan, heparin, heparin sulfate, chondroitin sulfate and polyuronic acids including polymannuronic acid, polyglucuronic acid and polyguluronic acid..

4. (Original) The composition of claim 1, wherein the polyacid is carboxymethylcellulose.

5. (Original) The composition of claim 1, wherein the polyacid is carboxymethylcellulose having a molecular weight in the range of about 10 kd to about 10,000 kd and a degree of substitution in the range of greater than about 0 to about 3.

6. (Original) The composition of claim 1, wherein said polyalkylene oxide is selected from the group consisting of polypropylene oxide, polyethylene glycol, polyethylene oxide, and PEO/PPO block copolymers.

7. (Original) The composition of claim 1, wherein said polyalkylene oxide is polyethylene oxide or polyethylene glycol having a molecular weight in the range of about 200 d to about 8000 kd.

8. (Original) The composition of claim 1, wherein said polyalkylene oxide is polyethylene glycol having a molecular weight in the range of about 200 Daltons to about 5000 Daltons.

9. (Original) The composition of claim 1, wherein said PA is in the range of about 10 % to about 99 % by weight, of the total solids content.

10. (Original) The composition of claim 1, wherein the PA is in the range of about 50 % by weight to about 99 % by weight, of the total solids content.

11. (Original) The composition of claim 1, wherein the PA is in the range of about 90 % by weight to about 99 % by weight, of the total solids content.

12. (Original) The composition of claim 1, wherein the PO is in the range of about 1 % by weight to about 90 % by weight, of the total solids content.

13. (Original) The composition of claim 1, wherein the PO is in the range of about 1 % by weight to about 10 % by weight, of the total solids content.

14. (Original) The composition of claim 1, wherein the PO is about 2.5 % by weight, of the total solids content.

15. (Original) The composition of claim 1, wherein the total solids content of the gel is in the range of about 1 % to about 10 %.

16. (Original) The composition of claim 1, further comprising a trivalent cation.

17. (Original) The composition of claim 16, wherein said cation is selected from the group consisting of Fe^{+3}, Al^{+3}, and Cr^{+3}.

18. (Original) The composition of claim 1, further comprising a divalent cation.

19. (Original) The composition of claim 18, wherein said cation is a divalent cation selected from the group consisting of Ca^{+2}, Zn^{+2}, Mg^{+2} and Mn^{+2}.

20. (Original) The composition of claim 1, wherein the pH of the gel is in the range of about 2.0 to about 7.5.

21. (Original) The composition of claim 1, wherein the pH of the gel is in the range of about 2.5 to about 6.0.

22. (Original) The composition of claim 1, further comprising a drug.

23. (Original) The composition of claim 1, further comprising a drug selected from the group consisting of antithrombogenic drugs, hemostatic agents, anti-inflammatory drugs, hormones, chemotactic factors, analgesics, growth factors, cytokines, osteogenic factors and anesthetics.

24. (Original) The composition of claim 1, further comprising a drug selected from the group consisting of heparin, tissue plasminogen activator, thrombin, aspirin, ibuprofen, ketoprofen, proteins and peptides containing an RGD motif, and non-steroidal anti-inflammatory drugs.

25. (Original) The composition of claim 1 having a viscosity below about 500,000 centipoise.

26. (Original) The composition of claim 1, wherein said composition is dried to form a membrane.

27. (Original) A method for manufacturing a hemostatic composition, comprising the steps of:

(a) selecting a polyacid;

(b) selecting a polyalkylene oxide;

(c) forming a solution of said polyacid and said polyalkylene oxide; and

(d) adjusting the pH of said composition to the range of below about 7.5.

28. (Original) The method of claim 27, further comprising the step of adding a hemostatic agent.

29. (Original) The method of claim 28, wherein said hemostatic agent is thrombin.

30. (Original) The method of claim 27, wherein the polyacid is selected from the group consisting of a carboxypolysaccharide, polyacrylic acids, polyamino acids, polylactic acid, polyglycolic acid, polymethacrylic acid, polyterephthalic acid, polyhydroxybutyric acid, polyphosphoric acid, polystyrenesulfonic acid, and copolymers of said polyacids.

31. (Original) The method of claim 27, wherein the polyacid is a carboxypolysaccharide selected from the group consisting of carboxymethyl cellulose (CMC), carboxyethyl cellulose, chitin, carboxymethyl chitin, hyaluronic acid, alginate, pectin, carboxymethyl dextran, carboxymethyl chitosan, heparin, heparin sulfate, chondroitin sulfate polyuronic acids including polymannuronic acid, polyglucuronic acid and polyguluronic acid..

32. (Original) The method of claim 27, wherein said polyalkylene oxide is selected from the group consisting of polypropylene oxide, polyethylene glycol, polyethylene oxide and copolymers of said polyalkylene oxides.

33. (Original) The method of claim 27, further comprising adjusting the pH in the range of about 3.5 to about 7.5.

34. (Original) The method of claim 27, wherein said multivalent cation is Ca^{++}.

35. (Original) The method of claim 27, further comprising the step of sterilizing the composition.

36. (Original) A method for providing hemostasis comprising the step of placing the composition of claim 1 in contact with a bleeding tissue.

37. (Original) A method for providing hemostasis comprising the steps of:

(a) accessing a surgical site;

(b) performing a surgical procedure; and

(c) placing the composition of claim 1 in contact with a bleeding tissue.

38. (Original) The method of claim 37, wherein said surgical procedure is selected from the group consisting of abdominal, ophthalmic, orthopedic, gastrointestinal, thoracic, cranial, cardiovascular, gynecological, urological, plastic, musculoskeletal, spinal, nerve, tendon, otorhinolaryngological and pelvic.

39. (Original) The method of claim 37, wherein said surgical procedure is selected from the group consisting of appendectomy, cholecystectomy, hernial repair, lysis of peritoneal adhesions, kidney surgery, bladder surgery, urethral surgery, prostate surgery, salingostomy, salpingolysis, ovariolysis, removal of endometriosis, surgery to treat ectopic pregnancy, myomectomy of uterus, myomectomy of fundus, hysterectomy, laminectomy, discectomy, tendon surgery, spinal fusion, joint replacement, joint repair, strabismus surgery, glaucoma filtering surgery, lacrimal drainage surgery, sinus surgery, ear surgery, bypass anastomosis, heart valve replacement, thoracotomy, synovectomy, chondroplasty, removal of loose bodies and resection of scar tissue.

40. (Original) The method of claim 37, wherein said step of accessing is carried out using an arthroscope.

41. (Original) A method for decreasing post-traumatic bleeding, comprising the step of delivering to a site of trauma the composition of claim 1.

42. (Original) The method of claim 41, further comprising, prior to the step of delivering, the step of accessing a site of trauma.

43. (Original) A method for decreasing bleeding caused by a surgical instrument, comprising coating said surgical instrument with the composition of claim 1 prior to using said surgical instrument.

44. (Original) A dried hemostatic membrane comprising a composition of claim 1.

45. (Original) The dried hemostatic membrane of claim 44, which possesses at least one additional property selected from the group consisting of bioresorbability, bioadhesiveness, antithrombogenicity, and antiadhesion, and wherein the composition has a pH in the range of about 2.5 to about 7.5 and is hydratable by at least about 100%.

46. (Original) The membrane of claim 44, wherein the PA is a CPS selected from the group consisting of carboxymethyl cellulose (CMC), carboxyethyl cellulose, chitin, carboxymethyl chitin, hyaluronic acid, alginate, propylene glycol alginate, carboxymethyl chitosan, pectin, carboxymethyl dextran, heparin, heparin sulfate, chondroitin sulfate and polyuronic acids including polymannuronic acid, polyglucuronic acid and polyguluronic acid.

47. (Original) The composition of claim 44, wherein the molecular weight of the CPS is between 10 kd and 10,000 kd.

48. (Original) The composition of claim 44, wherein said PO is a PE having a molecular weight between about 200d and about 8000 kd.

49. (Original) The composition of claim 44, wherein the CPS is CMC.

50. (Original) The composition of claim 48, wherein the PE is polyethylene oxide (PEO).

51. (Original) The composition of claim 44, wherein the proportion of total solids content of the CPS is from 10 % to 99 % by weight, and the proportion of the PE is from 1 % to 90 % by weight.

52. (Original) The composition of claim 44, wherein the degree of substitution of the CPS is from greater than about 0 up to and including about 3.

53. (Original) The composition of claim 44 further comprising a drug.

54. (Original) The composition of claim 53, wherein said drug is selected from the group consisting of antibiotics, hemostatic agents, anti-inflammatory agents, hormones, chemotactic factors, peptides and proteins containing an RGD motif, analgesics, and anesthetics.

55. (Original) The composition of claim 44, further comprising a plasticizer.

56. (Original) The composition of claim 55, wherein the plasticizer is selected from the group consisting of glycerol, ethanolamines, ethylene glycol, 1,2,6-hexanetriol, monoacetin, diacetin, triacetin, 1,5-pentanediol, PEG, propylene glycol, and trimethylol propane.

57. (Original) The composition of claim 55, wherein the concentration of said plasticizer is in the range of greater than about 0 % to about 30 % by weight.

58. (Original) The composition of claim 55, wherein the plasticizer is glycerol in a concentration in the range of about 2 % to 30 % by weight.

59. (Original) The composition of claim 44, wherein the adherence of platelets to the surface of said composition is in the range of about 0 platelets per 25,000 μm^2 to about 65 per 25,000 μm^2.

60. (Original) The composition of claim 1, wherein the bleeding time is reduced from that of untreated tissues by at least 1/2.

61. (Original) The method of claim 27, further comprising the step of sterilizing the composition by autoclaving, γ-irradiation, filtration, or exposure to ethylene oxide.

62. (Original) The method of claim 37, wherein said step of placing said composition is accomplished using an endoscope.

63. (Original) The composition of claim 1, wherein the pH of said composition is below about 5.0.

64. (Original) The composition of claim 1, wherein the pH of said composition is below about 4.0.

65. (Original) The composition of claim 1, wherein the pH of said composition is below about 3.0.

66. (Original) A composition comprising an association complex of a polyacid (PA), a polyalkylene oxide (PO) and a multivalent cation, which is hemostatic and possesses at least one

additional property selected from the group consisting of antiadhesion, bioadhesiveness, antithrombogenicity and bioresorbability, and wherein the pH of said composition is below about 7.5.

67. (Original) The composition of claim 66, wherein said multivalent cation is selected from the group consisting of Ca^{2+}, Mg^{2+}, Mn^{2+}, Fe^{3+}, Cr^{3+}, Zn^{2+} and Al^{3+}.

68. (Original) The composition of claim 66, wherein said multivalent cation is Ca^{2+}.

69. (Original) A method for manufacturing a hemostatic composition, comprising the steps of:

(a) selecting a polyacid;

(b) selecting a polyalkylene oxide;

(c) forming a solution of said polyacid and said polyalkylene oxide;

(d) adding a multivalent cation; and

(e) adjusting the pH of said composition to the range of below about 7.5.

70. (Original) The method of claim 69, wherein said multivalent cation is selected from the group consisting of Ca^{2+}, Mg^{2+}, Mn^{2+}, Fe^{3+}, Cr^{3+}, Zn^{2+} and Al^{3+}.

71. (Original) The method of claim 69, wherein said multivalent cation is Ca^{2+}.

72. (Original) The composition of claim 1, further comprising thrombin.

73. (Original) The composition of claim 1, wherein said polyalkylene oxide is polyethylene glycol having a molecular weight in the range of about 1000 Daltons to about 40,000 Daltons.

74. (Original) The composition of claim 1, wherein said polyalkylene oxide is polyethylene glycol having a molecular weight in the range of about 1000 Daltons to about 20,000 Daltons.

75. (Original) The composition of claim 44, wherein the molecular weight of the CPS is between bout 10 kd and 1000 kd.

76. (Original) The composition of claim 1, further comprising thrombin.

77. (Original) The composition of claim 1, further comprising a vasoconstrictor.

78. (Original) The composition of claim 77, wherein said vasoconstrictor is an adrenergic agonist.

79. (Original) The composition of claim 78, wherein said adrenergic agonist is selected from the group consisting of norepinephrine, epinephrine, phenylpropanolamine, dopamine, metaraminol, methoxamine, ephedrine, and propylhexedrine.

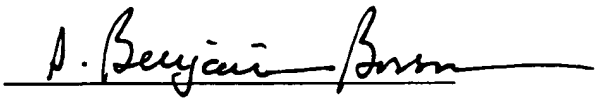
80. (Original) The composition of claim 1, further comprising fibrillar collagen.

Remarks

This REPLY is in response to an Office Action mailed December 14, 2005, in which the Examiner requested the Applicants to elect a single species, "i.e., a single disclosed composition with all components specified." Applicants herein elect a composition comprising carboxymethyl cellulose (CMC), polyethylene oxide (PEO), Ca++ and thrombin. Applicants invite the Examiner to telephone the undersigned if a conversation would move the case forward.

Accompanying this REPLY is a Petition for Extension of Time for three (3) months. The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: March 22, 2005 By: 

D. Benjamin Borson, Ph.D.
Reg No: 42,349

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Four Embarcadero Center
Suite 400
San Francisco, California
94111-4156

03/22	123	10993005	KLYCF-07001US1	2051		$65.00	$8,47
03/22	480	10996032	SHPR-01442US2	8021		$40.00	$8,43
03/23	48	10993005	KLYCF-07001US1	2251		$60.00	$8,37
03/23	185	10924357	4004004.0039	1504	OK	$300.00	$8,07
03/23	186	10924357	4004004.0039	8001		~~$15.00~~	$8,06
03/23	267	10657525	SHPR-01048USG SRM/DJB	1501		$1,400.00	$6,66
03/23	268	10657525	SHPR-01048USG SRM/DJB	1504		$300.00	$6,36
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03/24	30	E-REPLENISHMENT		9203		-$5,000.00	$11,3
03/24	78	60663904	SHPR-01483USC	1005		$200.00	$11,1
03/24	88	11003036	PANAP-1074USK	8021		$40.00	$11,1
03/24	90	11013077	PANAP-1074USN	8021		$40.00	$11,0
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03/24	130	60663921	SHPR-01483USD	1005		$200.00	$10,5
03/24	154	10924357	~~4004004.0039~~	8001		~~$15.00~~	$10,6
03/25	1	11005333	PANAP-01156US0 SRM/BTW	1051		$130.00	$10,4
03/25	2	11020385	PANAP-01152US0 SRM/BTW	1051		$130.00	$10,3
03/25	6	6301311	ANRI-8010US0	1551		$900.00	$9,44
03/25	11	6291438	DNPP-2001US1	2551		$450.00	$8,99
03/25	138	11081340	PANAP-01125US0	8021		$40.00	$8,95
03/25	181	11027730	PANAP-01120US2	1051		$130.00	$8,82
03/28	17	11012939	PANAP-01074USASRM/DTX	8021		$40.00	$8,78
03/28	19	11003753	PANAP-1101US0	8021		$40.00	$8,74
03/28	23	11016396	PANAP-01145US0 SRM/DTX	8021		$40.00	$8,70
03/28	29	11003605	PANAP-1074US7	8021		$40.00	$8,66
03/28	43	✓ 10987393	ANRI-08063US1 MLR	1051		$130.00	$8,53
03/28	46	60664760	BEAS-01645US0	1005		$200.00	$8,33
03/28	57	PCT/US05/07834	WARD01004WO0	1703		$13.00	$8,31
03/28	113	✓ 10992152	BEAS-01611US0	8021		$40.00	$8,27
03/28	135	✓ 11082120	PANAP-01067USG	8021		$40.00	$8,23
03/28	195	✓ 11088553	PANAP-01035US0	1011		$300.00	$7,93
03/28	196	✓ 11088553	PANAP-01035US0	1111	1000-	$500.00	$7,43
03/28	197	✓ 11088553	PANAP-01035US0	1311		$200.00	$7,23
03/29	1	✓ 09843588	FZIO-6605US1 DBB MCH	1253	YT	$1,020.00	$6,21
03/29	14	09933956	YAHOO-1007US0 YT	1252		$330.00	$5,88
03/29	34	E-REPLENISHMENT		9203		-$5,000.00	$10,8
03/29	96	✓ 11082752	ELAN-01116US3	8021		$40.00	$10,8
03/29	228	✓ 11082422	ELAN*01116US4	8021		$40.00	$10,8
03/29	229	✓ 11082423	ELAN-01116US2	8021		$40.00	$10,7
03/30	10	11090428	PANAP-01050US0	1011		$300.00	$10,4
03/30	11	11090428	PANAP-01050US0	1111	1100-	$500.00	$9,96
03/30	12	11090428	PANAP-01050US0	1311		$200.00	$9,76
03/30	13	11090428	PANAP-01050US0	1202		$150.00	$9,61
03/30	67	11091069	FACT-01046US0	1011		$300.00	$9,31
03/30	68	11091069	FACT-01046US0	1111		$500.00	$8,81
03/30	69	11091069	FACT-01046US0	1311		$200.00	$8,61

* only charge client for small entity refund to be requested by Sarah

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	
Inventor(s):	Cortese, et al.
Application No.:	09/843,588
Confirm. No.:	8737
Filed:	April 26, 2001
Title:	HEMOSTATIC COMPOSITIONS OF POLYACIDS AND POLYALKYLENE OXIDES AND METHODS FOR THEIR USE

PATENT APPLICATION

Art Unit: 1621
Examiner: Peter G. O'Sullivan

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Examining Group 1621 Facsimile No. (703) 872-9306, on March 22, 2005. Total number of pages transmitted 16.

(Attorney Signature)
D. Benjamin Barram, PhD., Reg. No. 42,349
Signature Date: March 22, 2005

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated December 14, 2004, a shortened period for reply was set to expire on January 14, 2005.

Pursuant to 37 C.F.R. §1.136(a), Applicant(s) hereby petition(s) the Commissioner for an extension of time for replying to the Office Action up to and including March 22, 2005.

__X__ Applicant(s) hereby claim small entity status under 37 C.F.R. § 1.27.

Adjustment Date: 08/11/2005 SDIRETA1
03/29/2005 CTHOMAS2 00000001 061325 09843588
01 FC:1253 1020.00 CR

Attorney Docket No.: PZIO 6605 US1
dbb/PZIO6605us1.015.Petition Ext. Time.wpd

203.001:010204

03/29/2005 CTHOMAS2 00000001 061325 09843588
01 FC:1253 1020.00 DA

08/11/2005 SDIRETA1 00000051 061325 09843588
01 FC:2253 510.00 DA

The amount of the petition fee set by 37 C.F.R. §1.17 is determined as follows:

Fee (Large Entity/Small Entity)	Extended Month
____ $ 120.00/$ 60.00	First
____ $ 450.00/$225.00	Second
X $1,020.00/$510.00	Third
____ $1,590.00/$795.00	Fourth
____ $2,160.00/$1,080.00	Fifth

TOTAL PETITION FEE $ 510

The TOTAL PETITION FEE is included with the payment of other papers filed together with this petition.

X A reply to the Office Action is filed herewith.
X "Small Entity" status for this application has previously been established.
X Other: Reply Transmittal Letter, Certificate of Facsimile Transmission

The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: March 22, 2005

By: _____
D. Benjamin Bowson, Ph.D.
Reg. No. 42,349

Customer No. 23910
FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application		PATENT APPLICATION
Inventor(s):	Cortese, et al.	
Application No.:	09/843,588	Art Unit: 1621
Confirm. No.:	8737	Examiner: Peter G. O'Sullivan
Filed:	April 26, 2001	
Title:	HEMOSTATIC COMPOSITIONS OF POLYACIDS AND POLYALKYLENE OXIDES AND METHODS FOR THEIR USE	Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Examining Group 1621 Facsimile No. (703) 872-9306, on March 22, 2005. Total number of pages transmitted 16.

D. Benjamin Borson (Attorney Signature)

D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: March 22, 2005

REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

X	A Reply under 37 C.F.R. §1.111 to the Office Action dated December 14, 2004.
X	A Petition for an Extension of Time under 37 C.F.R. §1.136.
X	Applicant(s) qualify for small entity status under 37 C.F.R. §1.27.
X	A fee for extension of time for response under 37 C.F.R. §1.136 filed within 3 month(s) after the original time for response of $510 is due.
X	Please charge Deposit Account No. 06-1325 in the amount of $510.
X	The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: March 22, 2005

By: D. Benjamin Borson

D. Benjamin Borson, Ph.D.
Reg. No. 42,349

Customer No. 23910
FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

Attorney Docket No.: FZIO 6605 US1
dbb/FZIO/6605us1.014.Transmittal.wpd

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